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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990.601	11/21/2001	John E. Krech	57135US002	3879

32692 7590 05/01/2003

3M INNOVATIVE PROPERTIES COMPANY
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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Applicant No.

09/990,601

Applicant(s)

KRECH ET AL.

Examiner

Walter B Aughenbaugh

Art Unit

1772

All participants (applicant, applicant's representative, PTO personnel):

(1) Walter B Aughenbaugh (USPTO).

(3) Lorraine R. Sherman (Applicant's representative).

(2) Harold Pyon (USPTO).

(4) _____.

Date of Interview: 29 April 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: all of record.

Identification of prior art discussed: all of record.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Proposed amendments (attached) were submitted prior to interview. 112 rejections discussed: first paragraph rejection of claim 1 will be withdrawn, the term "effective" renders claims 1 and 2 indefinite, claim 4 is indefinite, Examiner made a correction to the first paragraph of page 5 of paper #3- the cited range of "25 to 99" in the third line of page 5 should be "51 to 99", the 112 issues with claims 5, 7 and 8 were settled and will be addressed in Applicant's amendments to the claims. Differences between the prior art of record and the claims and proposed claims of the instant application was discussed. Perez teaches a storage vessel comprising the composition of the instant application and therefore reads on the limitation of claim 1 that reads "a plastic shipping or storage container comprising a polymeric composition... resins" as made of record in paper #3..

**32692**

PATENT TRADEMARK OFFICE

Patent
Case No.: 57135US002**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: **KRECH, JOHN E.**
Application No.: **09/990601** Group Art Unit: **1772**
Filed: **November 21, 2001** Examiner: **Walter Aughenbaugh**
Title: **PLASTIC SHIPPING AND STORAGE CONTAINERS AND COMPOSITION AND METHOD THEREFORE**

PROPOSED CLAIMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

To Fax No.: 703-746-9005

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date _____

Signed by: Lydia M. Cahill

Dear Sir:

1. (Amended) A plastic [shipping or storage] container for one or both of shipping and storage comprising a polymeric composition [including] comprising
 - a. one or more of polyolefin resins or blends thereof; and
 - b. one or more of thermosetting resins,said plastic [shipping and storage] container further comprising an effective amount of a friction material on at least one surface [,] thereof, said friction material being rubber-free.
3. (Amended) The plastic container according to claim 1 further comprising radio frequency identification (RFID) tags.
8. (Amended) The plastic container according to claim 1 which is a shipping or storage pallet [optionally having an open deck design].

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- - 24. (New) The plastic container according to claim 1 wherein said friction material provides said surface with a static coefficient of friction in the range of 0.60 to 1.20. - -
- - 25. (New) The plastic container according to claim 8 wherein said pallet has an open-deck design. - -
- - 26. (New) The plastic container according to claim 2 wherein said container further comprises one or more of antimicrobial additives. - -
- - 27. (New) The plastic container according to claim 1 wherein said wherein said friction material comprises one or more of thermoplastic polymers, thermoplastic elastomers, and thermoset material selected from the group consisting of phenolic resins, acrylates, vinyl esters, unsaturated polyesters, and epoxies. - -
- -28. (New) The plastic container according to claim 1 comprising structural foam. - -
- -29. (New) The plastic container according to claim 2 wherein said performance enhancement additive comprises one or both of bubbles and glass beads. - -
- -30. (New) A plastic container for one or both of shipping and storage comprising a polymeric composition comprising
 a. one or more of polyolefin resins or blends thereof, and
 b. one or more of thermosetting resins.
 said plastic container further comprising an effective amount of a non-halogenated flame retardant. - -
- -31. (New) The plastic container according to claim 30 which is a shipping or storage pallet. - -
- -32. (New) The plastic container according to claim 30 wherein said thermosetting resin is an epoxy resin selected from the group consisting of epoxy, epoxide, oxirane and ethoxyline resins

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having aliphatic, cycloaliphatic, and aromatic backbones optionally having one or more of hydroxyl, acrylate, ethylenic unsaturation, and carboxylic acid ester functionality. - -

- -33. (New) The plastic container according to claim 30 comprising structural foam. - -

- -34. (New) The plastic container according to claim 30 further comprising an effective amount of one or both of bubbles and glass beads as fillers. - -

- -35. (New) The plastic container according to claim 30 further comprising an effective amount of an antimicrobial additive. - -

- - 36. (New) The container according to claim 30 wherein said flame retardant is selected from the group consisting of ammonium phosphates, compounds containing phosphorus-nitrogen bonds and cyclic phosphates. - -

- - 37. (New) The plastic container according to claim 30 which is a pallet. - -

- - 38. (New) A plastic container for one or both of shipping and storage comprising polymeric structural foam comprising

a. one or more of polyolefin resins or blends thereof, and

b. one or more of thermosetting resins.

said structural foam comprising an integral skin and cellular core. - -

- - 39. (New) The plastic container according to claim 37 wherein said structural foam comprises bubbles. - -

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- - 40. (New) The plastic container according to claim 38 which is a pallet - -

Respectfully submitted,

Date

By: _____

Lorraine R. Sherman, Reg. No.: 30,105

Telephone No.: 858-675-9031

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833